REMARKS

Claims 1, 8, 14-35 and 60-68 were previously cancelled without prejudice. Claim 36 is amended. Claims 80-94 were previously added. Claims 2-7, 9-13, 36-59, 69-94 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

35 U.S.C. §§ 102 and 103 Rejections

Claims 2, 5-7, 9-11, 36-40, 43, 46-48, 50-54, 59, 80, 81, 84-89 and 92-94 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,572,648 to Bibayan.

Claims 3, 4, 12, 13, 41, 42, 45, 49, 56, 57, 82, 83, 90 and 91 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,742,504 to Meyer et al. (hereinafter "Meyer").

Claim 58 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan in view of U.S. Patent No. 5,602,996 to Powers III et al. (hereinafter "Powers").

Claims 69-79 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,611,840 to Baer et al. (hereinafter "Baer") in view of Meyer.

Claim 44 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan and Baer.

Claim 55 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bibayan and U.S. Patent No. 5/436,637 to Gayraud et al. (hereinafter "Gayraud").

Before undertaking a discussion of the substance of the Office's rejections, the following discussion of Bibayan is provided to assist the Office in appreciating the patentable distinctions between Bibayan, the other references, and the claimed subject matter.

The Bibayan Reference

Bibayan is directed to systems and methods for changing a dynamic tool palette in accordance with a current context of an application that provides a static display of windowing functions and a dynamic display of windowing functions. See, e.g. Abstract.

The operation of Bibayan's system and method is set out in more detail in column 4, starting at line 45. Specifically, Bibayan instructs that a dynamic tool palette display 22 (see Fig. 4) is a separate display that can alter its size, shape, and contents in accordance with the context of a currently operating applet. To provide an example, Bibayan describes a situation in which a *user selects* a folder icon 23 and responsively, a new folder window is called to the foreground (see Fig. 6a) and its context is registered. A dynamic tool palette applet 24 displays the applicable tools for that container. See, column 4, lines 45-55.

Bibayan further instructs, starting in column 4 at line 55 that in operation, upon selecting a folder applet, the applet for that function is downloaded from a file server and stored in RAM. After the folder applet is downloaded, its context which includes a program handle and database ID number is registered with a context manager applet 21 (Fig. 6). Bibayan further instructs that in accordance with the stored context, dynamic tool palette 24 examines the registered context

and determines whether to modify its tool display. If required, the tool display is modified.

Thus, it appears that Bibayan's system and method change the content of its dynamic tool palette display 22 responsive to user selections of menu items that are displayed for the user. Such is readily apparent when the discussion appearing in column 5, lines 5-56 is considered.

Claims Rejected over Bibayan under §§ 102 and 103

Claim 6 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program by ascertaining a position of a user's cursor *within a document* provided by the application program; and
- automatically displaying at least one command on a display for the user based on the user's context.

In making out the rejection of this claim, the Office argues that Bibayan anticipates the subject matter of this claim. *Applicant maintains that Bibayan does not disclose or suggest the subject matter of this claim.* Specifically, the Office argues that Bibayan discloses determining the user's context by ascertaining the position of the user's cursor *within a document* provided by the application, citing to column 4, lines 40-44 in support therefor. *This is simply not the case.*

Applicant respectfully disagrees and traverses the Office's rejection. Specifically, Bibayan discloses that the user's context is determined by ascertaining which *icon* a user clicks on. (See, e.g. column 4, lines 45-55 where

the "user selects folder icon 23..." to provide a context that is used to drive the display in the dynamic tool palette). The icon that the user clicks on in Bibayan cannot be considered a *"document"* as that term is utilized in Applicant's Specification. Rather, the icon is more appropriately considered as a menu item.

As an example of subject matter that is embodies the spirit of this claim, the Office is referred to the Specification starting on page 12, line 24 through page 14, line 13, the entirety of which was reproduced in the previous response.

Interestingly, in this excerpt from the Specification, the described shortcomings of past systems (i.e. having to hunt through an unfamiliar menu structure; presenting top level commands even when not needed by a user; and having to know the names of the specific functionalities in order to find the tools) appear to be very characteristic of Bibayan's system, and not characteristic of the presently claimed subject matter. *Applicant very respectfully but strongly disagrees that Bibayan discloses or suggests "determining a user's context within an application program by ascertaining a position of a user's cursor within a document provided by the application program.* As the Office apparently disagrees, Applicant respectfully invites the Office to point to the specific portion of Bibayan where this is the case. The portion of Bibayan cited to by the Office discloses no such thing.

Accordingly, because Bibayan neither discloses nor suggests the subject matter of this claim, this claim is allowable.

Claims 2-5, 7 and 9-11 depend from claim 6 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 6, are neither disclosed nor suggested in the references of record, either singly or in

combination with one another. In addition, given the allowability of claim 6, the rejection of claims 3 and 4 over the combination with Meyer is not seen to add anything of significance.

Claim 12 recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to [added language appears in bold italics]:

- determine a user's context within an application program;
- automatically display, *independent of the user selecting any displayed menu item*, at least one command on a display for the user based on the user's context, said at least one command being displayed in a modeless fashion in which the user can continue to work within a document provided by the application program while said at least one command is displayed; and
- automatically remove said at least one command from the user's display responsive to a change in the user's context.

In making out the rejection of this claim, the Office argues that the combination of Bibayan and Meyer disclose the subject matter of this claim. Specifically, the Office argues that Bibayan discloses automatically displaying at least one command independent of the user selecting any displayed menu item, citing to column 4, lines 45-65 for support. Applicant respectfully disagrees and traverses the Office's rejection.

The excerpt cited by the Office is reproduced in its entirety below:

Dynamic tool palette display 22, on the other hand, is a separate display which resides to the right of the static tool display 20. In addition, dynamic tool palette display 22 alters its size, shape, and contents in accordance with the context of the currently operating applet. For example, *in the case the user selects folder icon 23*, a new folder window is called to the foreground and its context is registered. Dynamic tool palette applet 24

displays the applicable tools for that container. Preferably, the tools in the dynamic tool palette are always active and the operator can select any one of them to initiate the corresponding functions.

In operation, upon selecting the folder applet, the applet for that function is downloaded from a file server and stored in a random access memory (RAM) from where it can be executed. After the folder applet is downloaded from the file server, its context which includes a program handle and database identification number is registered with a context manager applet 21. In the present invention, context manager 21 resides as part of the static tool palette display applet 20. However, context manager 21 may also be a separate applet which operates throughout the present program.

The process described by this excerpt is initiated by, and thus dependent upon the user selecting folder icon 23 (see Fig. 4). As clarification, consider that Bibayan instructs that "[i]n a windowing environment, each applet, whether it be a contains or an editor, is represented in a display such as an icon display as a "tool" to perform a given function." See, column 1, lines 50-53. Further, Bibayan instructs that "[e]ach applet, once selected, operates to open a window which is brought to the foreground of the display." See, column 1, lines 55-56. Thus what Bibayan refers to in the excerpt cited by the Office is the situation where a user selects the folder icon to initiate the process described in the excerpt reproduced above.

Further, it is instructive to consider what is meant by the term "menu item" in the claim and to compare this with the above excerpt in view of Bibayan's Fig. 4. Specifically, the Specification instructs, starting on page 2, line 24, as follows:

Consider, for example, Fig. 1 which shows an exemplary user display 10 that includes a tool bar 12 that includes a menu structure 14 and a collection of commands 16.

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PAGE 22/32 * RCVD AT 7/23/2004 6:39:19 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:509 323 8979 * DURATION (mm-ss):08-48

Reference to Applicant's Fig. 1 indicates that tool bar 12 includes a menu structure 14 having individual entries such as "File", "Edit", "View" and the like. In addition, tool bar 12 includes a collection of commands some of which appear in iconic form and which constitute iconic representations of the individual entries of the menu structure. Hence, the elements appearing in tool bar 12 are menu items that are selectable by the user.

Consider now Bibayan's Fig. 4 and the related text appearing in column 4 starting at around line 21. Specifically, Bibayan describes a static tool display 20 and a dynamic tool palette display 22. Each of these displays is a tool bar and comprises a user-selectable menu item. In fact, Bibayan refers to each of these displays as a "tool" display. As noted above, the process described in the excerpt cited to by the Office is dependent upon the user selecting an icon (i.e. "in the case the user selects folder icon 23"). Hence, Bibayan does not, as the Office contends, disclose or suggest automatically displaying a command independent of a user selecting any displayed menu item. In point of fact, Bibayan teaches directly away therefrom. Accordingly, the Office has not established a *prima facie* case of obviousness and this claim is allowable.

Claim 13 depends from claim 12 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 12, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 36 has been amended and recites a method of exposing commands in a software application program comprising [added language appears in bold italics]:

- determining a user's context within an application program by evaluating at least portions of one or more expressions, each expression being associated with a context block and defining a condition that describes one or more aspects of a user's interaction with the application program; and
- automatically displaying, *independent of a user selecting any displayed menu item,* at least one context block on a display for the user based on the user's context, individual context blocks containing multiple commands that are possible selections for a user based upon their context.

Bibayan does not disclose or suggest displaying a context block *independent of a user selecting any displayed menu item.* Rather Bibayan teaches directly away from any such subject matter. The Office appears to argue, in its "Response to Arguments" section, that Bibayan does disclose displaying a command independent of a user selecting any displayed menu item. Applicant disagrees. The processing described in Bibayan appears to always be set in motion responsive to a user selecting a *menu item.* If the Office disagrees, then Applicant respectfully invites the Office to point to a specific portion of Bibayan where a context block or command is displayed independent of a user selecting any displayed menu item. Applicant has reviewed Bibayan in its entirety and can find no such disclosure. Accordingly, for at least this reason, this claim is allowable.

Claims 37-45 depend from claim 36 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 36, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 36, the rejections of claims

41-42 and 45 over the combination with Meyer; and of claim 44 over the combination with Baer is not seen to add anything of significance.

Claim 46 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program *without requiring the user to make a menu selection*;
- based on the user's context, displaying commands that are associated with the context and which can assist the user in accomplishing a task; and
- while the commands are being displayed, enabling the user to select and apply various commands multiple times.

In making out the rejection of this claim, the Office argues that its subject matter is anticipated by Bibayan, citing to column 4, lines 45-65 for support. Specifically, the Office argues that the display is dependent on the context of the applet and not on the user selecting any displayed menu item. *This is simply not the case and constitutes a misinterpretation of the reference.*

Bibayan instructs that once a *user selects* the folder icon, a new folder window is called to the foreground and its context is registered. See, e.g. column 4, lines 49-50. Bibayan embellishes upon this example in column 4, starting at line 56. Specifically, Bibayan instructs that "upon [the user] selecting the folder applet" the applet for that function is downloaded from a file server. Bibayan next instructs that the context of the applet is registered with a context manager 21. Bibayan now instructs that dynamic tool palette applet 24 examines the registered context and based thereon, determines whether to modify its tool display. See, e.g. column 4, line 66-67 through column 5, line 5. The applet for the user-selected function would not have been downloaded from the file server and the subsequent

processing would not have taken place *but for the user's selection of the folder icon or applet.* Hence, this claim is not anticipated by Bibayan and, in point of fact, Bibayan teaches directly away from the subject matter of this claim. Accordingly, for at least this reason, this claim is allowable.

Claims 47-59 depend from claim 46 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 46, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 46, the rejections of claims 49, 56 and 57 over the combination with Meyer; of claim 55 over the combination with Gayraud; and of claim 58 over the combination with Powers is not seen to add anything of significance.

Claims Rejected over the Combination of Baer and Meyer

Claim 69 recites a computing system comprising:

- a single application program configured to provide:
- a single navigable window;
- multiple different functionalities to which the single navigable window can be navigated by a user; and
- at least one context-sensitive command area that is associated with the single navigable window, the single application program being configured to automatically change command sets that are presented to the user within the command area as the user navigates to different functionalities, *at least some commands of the command sets being displayable independent of the user selecting any displayed menu item.*

In making out the rejection of this claim, the Office argues that Baer discloses the subject matter of this claim, except for a context-sensitive command area or a single application program configured to automatically change command sets that are presented to the user, or that commands are displayed independent of the user selecting a displayed menu item. The Office then relies on Meyer and argues that it supplies the missing elements. Based on these two references, the Office argues that the subject matter of this claim would be obvious.

Applicant disagrees with the Office's characterization of the references and application of the references to the subject matter of this claim. Specifically with respect to the recited feature that at least some of the commands of the command sets are displayable independent of the user selecting any displayed menu item, the Office cites to Meyer's column 21, lines 65 through column 22, line 11. All that this section of Meyer states is that "[c]ustom buttons may be volatile, i.e. appearing only in a specific context...." This excerpt does not disclose, suggest or in any way imply that such display is *independent of the user selecting any displayed menu item*. Accordingly, the Office has failed to establish a *prima facie* case of obviousness and this claim is allowable.

Claims 70-73 depend from claim 69 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 69, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 74 recites a computing system comprising:

- a single application program configured to:

o display a single navigable window for a user to use in navigating between multiple different functionalities that can be provided by the single application program;

o provide at least one context-sensitive command area that is associated with the single navigable window, the single application program automatically changing command sets that are presented to the user within the command area as the user navigates to different functionalities, *at least some commands of the command sets being displayable independent of the user selecting any displayed menu item*; and

o incorporate different functionalities in an extensible manner so that the user can use the single navigable window to navigate to the different incorporated functionalities.

In making out the rejection of this claim, the Office argues that its subject matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees. As noted above, Meyer does not disclose commands that are displayable independent of the user selecting any displayed menu item. Accordingly, the Office has not established a *prima facie* case of obviousness and this claim is allowable.

Claims 75-77 depend from claim 74 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 74, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 78 recites a computing method comprising:

• displaying a user interface that comprises a single navigable window that can be navigated between multiple different functionalities that are provided by a single application program;

• receiving user input that indicates selection of a particular functionality;

- responsive to receiving said user input, navigating the single navigable window to the particular selected functionality and displaying in said window indicia of said functionality that can enable a user to accomplish a task associated with the particular selected functionality;
- determining a user's context within the selected functionality; and
- automatically displaying at least one command for the user based on the user's context *independent of the user selecting any displayed menu item.*

In making out the rejection of this claim, the Office argues that its subject matter is obvious in view of Baer and Meyer. Applicant respectfully disagrees. As noted above, Meyer does not disclose commands that are displayable independent of the user selecting any displayed menu item. Accordingly, the Office has not established a *prima facie* case of obviousness and this claim is allowable.

Claim 79 depends from claim 78 and is allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those recited in claim 78, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Claim 80 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program *by ascertaining a user's selection within a document* provided by the application program; and
- automatically displaying at least one command on a display for the user based on the user's context.

In making out the rejection of this claim, the Office argues that Bibayan anticipates the subject matter of this claim. *Applicant maintains that Bibayan does not disclose or suggest the subject matter of this claim.* Specifically, the Office argues that Bibayan discloses determining the user's context by ascertaining the position of the user's cursor *within a document* provided by the application, citing to column 4, lines 40-44 in support therefor. *This is simply not the case.*

Applicant respectfully disagrees and traverses the Office's rejection. Specifically, Bibayan discloses that the user's context is determined by ascertaining which *icon* a user clicks on. (See, e.g. column 4, lines 45-55 where the "user selects folder icon 23..." to provide a context that is used to drive the display in the dynamic tool palette). The icon that the user clicks on in Bibayan cannot be considered a *"document"* as that term is utilized in Applicant's Specification. Rather, the icon is more appropriately considered as a menu item.

As an example of subject matter that is embodies the spirit of this claim, the Office is referred to the Specification starting on page 12, line 24 through page 14, line 13, the entirety of which was reproduced in the previous response.

Interestingly, in this excerpt from the Specification, the described shortcomings of past systems (i.e. having to hunt through an unfamiliar menu structure; presenting top level commands even when not needed by a user; and having to know the names of the specific functionalities in order to find the tools) appear to be very characteristic of Bibayan's system, and not characteristic of the presently claimed subject matter. *Applicant very respectfully but strongly disagrees that Bibayan discloses or suggests "determining a user's context within an application program by ascertaining a position of a user's cursor*

within a document provided by the application program. As the Office apparently disagrees, Applicant respectfully invites the Office to point to the specific portion of Bibayan where this is the case. The portion of Bibayan cited to by the Office discloses no such thing.

Accordingly, because Bibayan neither discloses nor suggests the subject matter of this claim, this claim is allowable.

Claims 81-87 depend from claim 80 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 80, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. Given the allowability of claim 80, the Office's rejection of claims 82, 83 over the combination with Meyer is not seen to add anything of significance.

Claim 88 recites a method of exposing commands in a software application program comprising:

- determining a user's context within an application program; and
- automatically displaying at least one command on a display for the user based on the user's context, _independent of a user selecting any displayed menu item._

In making out the rejection of this claim, the Office argues that Bibayan anticipates the claim's subject matter and in so doing, uses language that does not appear in the claim. Applicant believes this to be an oversight. Nonetheless, Applicant maintains, for reasons stated above, that Bibayan neither discloses nor suggests automatically displaying at least one command on a display for the user

based on the user's context, *independent of a user selecting any displayed menu item.* Accordingly, this claim is allowable.

Claims 89-94 depend from claim 88 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 88, are neither disclosed nor suggested in the references of record, either singly or in combination with one another. In addition, given the allowability of claim 88, the Office's rejection of claims 90 and 91 over the combination with Meyer is not seen to add anything of significance.

Conclusion

Applicant respectfully submits that all of the claims are in condition for allowance and Applicant respectfully requests a Notice of Allowability be issued forthwith. If the next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 7/23/04

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